

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DIONTAE JOHAN DUNCAN,

Plaintiff,

v.

THE CALIFORNIA HEALTHCARE
RECEIVERSHIP CORP., et al.,

Defendants.

No. 1:20-cv-01288-AWI-SKO (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF'S MOTIONS FOR DEFAULT
JUDGMENT AS PREMATURE

(Docs. 11, 18, 19)

Plaintiff Diontae Johan Duncan is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Because Plaintiff is a state prisoner and sues governmental entities, his complaint is subject to screening pursuant to 28 U.S.C. § 1915A. The assigned magistrate judge has not yet screened the complaint and no defendants have appeared in this action.

On October 5, 2020, Plaintiff filed a motion for default judgment. (Doc. 11.) On October 28, 2020, the assigned magistrate judge filed findings and recommendations, recommending that plaintiff's motion be denied as premature. (Doc. 18.) The magistrate judge informed plaintiff that he may not proceed with this action until his complaint has been screened. (*Id.* at 1.) The judge provided plaintiff 14 days to file objections to the findings and recommendations. (*Id.* at 2.)

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1 Plaintiff filed objections on November 10, 2020. (Doc. 20.) Plaintiff's objections do not
2 dispute the magistrate judge's finding that Plaintiff's motion for default judgment is premature.
3 Plaintiff filed a second motion for default judgment on October 29, 2020. (Doc. 19.)

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a
5 *de novo* review of this case. Having carefully reviewed the file, including Plaintiff's objections,
6 the Court finds the findings and recommendations to be supported by the record and proper
7 analysis.

8 Accordingly, the Court ORDERS:

- 9 1. The findings and recommendations issued on October 28, 2020 (Doc. 18) are
10 ADOPTED in full;
- 11 2. Plaintiff's motions for default judgment (Docs. 11, 19) are DENIED as premature;
12 and,
- 13 3. This case is referred back to the assigned magistrate judge for further proceedings.

14 IT IS SO ORDERED.

15 Dated: December 3, 2020

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17 SENIOR DISTRICT JUDGE
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